

10347:e.37. *Great Britain*
1-9.

Anno Regni

GEORGII II.

R E G I S

Magnæ Britannię, Francę, & Hibernię,
VICESIMO SEXTO.

At the Parliament begun and holden at *West-*
minster, the Tenth Day of *November*, Anno
Dom. 1747, in the Twenty-first Year of
the Reign of our Sovereign Lord GEORGE
the Second, by the Grace of God, of *Great*
Britain, France, and Ireland, King, Defen-
der of the Faith, &c.

And from thence continued by several Prorogations to
the Eleventh Day of *November*, 1753, being the
Sixth Session of this present Parliament.

26 Geo II ^G Public Acts, c. 86.



L O N D O N :

Printed for the Use of the Commissioners.

MDCCLXXVIII.

MDCCXXVII.

Anno vicefimo sexto

GEORGE II. Regis.

Copy of an Act for repairing, amending, and widening, the Road from Keighley in the West Riding of the County of York, to Kirkby in Kendal in the County of Westmorland.

WHEREAS the Road leading from Preamble. the Town of *Keighley* in the *West Riding* of the County of *York*, to the Town of *Skipton*, and from thence to the Town of *Settle* in the Riding aforesaid, and from *Settle* aforesaid to *Cowen* otherwise *Coln Bridge*, in the County of *Lancaster*, and from thence to *Kirkby* in *Kendal* in the County of *Westmorland*, is, from the Narrowness thereof in many Places, and the Nature of the Soil, become very ruinous and in great Decay, and is not only almost impassable for Wheel Carriages, but very dangerous for Travellers, and is incapable of being repaired by the ordinary Course of Law: Therefore to the Intent the said Highways and Roads may be forthwith effectually amended, repaired, and widened, and from time to time hereafter kept in good
and

Trustees
Names.

and sufficient Repair : May it please your Majesty that it may be enacted ; and be it enacted by the King's most excellent Majesty, by and with the Advice and Consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Right Honourable *Sackville Tufton*, commonly called *Lord Tufton* ; the Right Honourable Sir *Conyers D'arcy*, Knight of the Bath ; the Rt. Honourable *James Smith Stanley*, Esquire, commonly called *Lord Strange* ; the Right Honourable *William Howard*, Esquire, commonly called *Lord Andover* ; the Right Honourable *Richard Arundel*, Esquire ; *William Aislaby*, *Henry Aglionby*, *Henry Aylionby*, *George Allanson*, *James Ashton*, Esquires ; *John Alcock*, *John Alcock the Younger*, Clerks ; *John Atkinson*, *Anthony Askew*, Doctors in Physic ; *John Alcock*, *Henry Alcock*, *Abraham Balme*, *Tempest Armistead*, *Thomas Asburner*, *Thomas Atkinson*, *John Atkinson*, *John Abbotson*, Gentlemen ; *Atkinson of Poulton*, Sir *Walter Blackett*, Baronet, *Peter Bold*, *Edward Barker*, *William Bawden*, *William Baynes*, *John Brougham*, *Trevor Borett*, *Thomas Busfield*, *Thomas Bridges*, *Roger Blount*, *Henry Blackmore*, Esquires ; *Richard Burn*, *James Bird*, *Richard Barnard*, Clerks ; *William Bawden*, *Edmund Bawden*, *John Baldwin*, *Edmund Brown*, *David Brigg*, *William Brown*, *William Benson*, *Thomas Blackey*, *Thomas Banks of Orcaber*, *Thomas Bateson*, *William Banks of Serile*,

Settle, William Banks of Rasmel, Robert Banks, William Bradley, William Birkbeck, James Banks of Clitheroe, John Birkbeck, James Birkett, John Backhouse, Thomas Brayshaw, John Brown, Arthur Burrow, John Batty, John Brougham, William Batty, George Brathwait, Jonathan Baynes, William Brown, Jeremiah Booth, John Bolland, Stephen Bailey, John Buck, Benjamin Barstow, Gentlemen; Joshua Bryer, Miles Birkett, John Bowes, William Butterfield, Barton of Mooreside, James Barton of Halton, Bateman of Parkhall, Gwalter Borran skill, Gentlemen; William Bradshaw of Halton, Esquire, Henry Bracken, M. D. Thomas Busfield, Esquire, John Baldwin, Michael Bairstow, Henry Currer, Francis Cripps, George Crowle, Thomas Carlton, Francis Charteris, Foster Cunliff, Nathanael Cholmley, Esquires; John Cookson, George Carlisle, Doctors of Physic; Thomas Carr, William Currer, William Carr, Tobias Croft, Clerks; John Crewsdon, William Calvert, Thomas Chamberlain, George Chamberlain, William Chippindale, Thomas Chippindale, Nicholas Coulthurst, John Cockshott, Thomas Cockshott, Samuel Coates, Henry Cunliffe, Thomas Clapham, Christopher Clapham, Richard Clapham, William Turner Carus, Thomas Carr of Stockhouse, Ellis Cunliff, Thomas Clark, Goosmire Height, Nicholas Cunliff, Richard Constantine, James Coulthard, Thomas Clarke, Thomas Clarke junior, James Carr, Gentlemen; Christopher son, M. D. Richard Cooke, Benjamin Cooke, John Caygill,

Caygill, William Clay, Gentlemen; Thomas Dawson, William Drake, William Dawson, Christopher Dawson, Ralph Day, Thomas Dawson junior, Esquires; John Dehane, Clerk, Thomas Denison, John Dixon, Thomas Driver, David Dary, James Dowker, John Dodgson, Anthony Dean, Gentlemen; William Dickenson, Thomas Dillworth, William Dillworth, Dobson of Caton, Gentlemen; John Edwards, John Ecroyd, Gentlemen; Sir William Fleming, Baronet, Fountain, Doctor in Divinity, Dean of York; John Fenwick, Fletcher Fleming, Henry Farrington, Ascough Fawkes, Thomas Fell, Benjamin Farrand, Esquires; John Fisher, Clerk, Thomas Foster, William Foster, Robert Foster, Richard Foster, Edward Foxcroft, John Foster, Richard Fountain the elder, John Fleetham, Tobias Fourness, Thomas Fourness, William Fourness, John Field, Gentlemen; James Fenton, LL. D. James Fenton, Esquire, Robert Foxcroft, Dodgson Foster, Richard Fountaine junior, Gentlemen; Elkanah Farrer, William Ferguson, John Gale, Esq. Edward Guy, Clerk, John Baynes Garforth, William Garforth, William Guy, James Greenhow, John Gott, Robert Greenhow, Thomas Greenhow, William Gorst, John Greenwood, John Greenwood junior, John Gilby, Benjamin Goad, George Gibson, William Gillison, Gentlemen; Sir Henry Hoghton, Baronet, Henry Hitch, Richard Heber, John Hammerton, Miles Harrison, Man Horsfall, Philip Hoghton, William Haughton, Robert Hayhurst, Esquires; John Hill,

Hill, Doctor in Physic, Jeremiah Harrison, John Heber, Levet Harris, John Hunter, Thomas Hargreaves, Clerks; Robert Hexton, Henry Horsfall, Christopher Hird, William Hudson, John Heelis, David Hall, John Horsfall of Dewsberry, John Horsfall, Alexander Hardacre, William Hall, Hugh Hall, Bryan Heston, Timothy Horsfall, William Horsfall, William Hebez, Hugh Holme, Zachary Hubersty, Robert Hubersty, Richard Hoggart, William Hodgson, Richard Hodgson of Westhouse, Richard Hodgson the elder, Richard Hodgson the younger, John Hodgson, George Holt, Nicholas Hitching, Thomas Hitching, William Horrabin, Gentlemen; Edward Hornby, Esquire, Thomas Hathornthwaite, John Heathcott, Richard Horner, Gentlemen; Thomas Hall of Riminton, John Hollins, Christopher Hird, Gentlemen; Sir Henry Ibbetson, Baronet, Tuffnel Joliff, Samuel Ibbotson, Charles Ingleby, John Stephen Ingleby, Esquires; William Jackson, Clerk, Thomas Ingleby, Columbus Ingleby, Ebenezer Jackson, Gentlemen; Charles Inman, Gentleman, Sir John Lister Kaye, Baronet, Edward Lodge, Thomas Lodge, Charles Lambert junior, William Lyster, Thomas Lister of Bingley, Gentlemen; the Mayor, Recorder, and Aldermen of Lancaster for the time being; Nathaniel Lister, Esquire, William Lister, Thomas Leach, James King, Clerk, Stephen Knowles, John Knowles, John Keighly, Thomas Kitching, Edward Kitching, Michael Knott, Gentlemen; Sir James Lowther of Whitehaven, Sir James
A 4 Lowther,

Anno Regni vicesimo sexto

Lowther of Lowther, Sir Wm. Lowther, Barts. G. Fox Lane, Edwin Lascelles, Daniel Lascelles, Thomas Lee, Thomas Lister, Martin Lister, Samuel Lister, Esqs; Anthony Lister, Isaac Latouzey, William Lamplugh, Clerks; Thomas Leach, Anthony Lister, John Lodge, Edmund Laycock, Samuel Lister, Thomas Lister, Richard Lawson, John Lister, Bryan Lister, Francis Lister of Newsome, John Lupton, John Lawson, Robert Lawson, Gentlemen; Sir Philip Mulgrave, Baronet, Edward Marton, Josias Morley, Henry Marsden, John Moor, William Mattson, Richard Milnes, Esquires; the Mayor, Recorder, and Aldermen of Kirkby in Kenda, for the time being; Oliver Marton, Clerk, John Milnes, John Moorehouse, Richard Mikward, Smith Moorehouse, Thomas Marfit, Joseph Midgley, Josias Morley, James Morley, John Mitchell, Michael Mitchell, John Miller, John Moreton of Halifax, Joseph Mason, Matthew Metcalf, John Machell, George Moore, Gentlemen; John Mackmillan of Lancaster, Jeremiah Marshall, Gentlemen; Daniel Mitchell, John Martin, Rowland Newby, Fletcher Norton, Esqs; Henry Nowell, Clerk, Henry Newby, Edward Nicholson, John Nethenwood, Gentlemen; Robert Oates of Waterfulforth, Esquire, Peter Wilson Overend, John Oates, Gentlemen; Sir Lionel Pilkington, Baronet, Thomas Place, Clerk, Dean of Middleham; Thomas Pulleyn, William Penny, John Parker, Robert Parker, Edward Parker of Broxholm, Robert Parker of Exwhistle, Robert Parker of Alkincoate, Christopher

stopher Pattinson, John Preston, William Preston, Esquires; William Pally, John Pidding, Walter Priest, Samuel Plomer, Lancelot Pattinson, Clerks; John Parker of Storth, John Parkinson of Clitheroe, Thomas Parkinson, John Parkinson, Robert Philipson, Thomas Preston, Stephen Parkinson, John Preston, William Peri, Stephen Pert, Richard Procter, Gentlemen; Francis Reynolds, Richard Richardson, Danson Roundall, William Radcliff, Jeremiah Rawson, Esquires; Henry Richardson, Clerk, William Robinson, Thomas Rushworth, Lawrence Robinson, John Richardson, Emor Rishton, Thomas Rawson, Thomas Rebanks, Giles Redman, William Wrathall, Abraham Rawlinson, Gentlemen; Thomas Hutton Rawlinson, Reginald Rimington, Rigmaiden of Lancaster, Gentlemen; Christopher Rawson, John Rawson, Miles Sandys, Thomas Shepperd, William Serjeantson, Samuel Swire, Robert Stansfield, Richard Gilpin Sawrey, Charles Stanley, William Southern, Esquires; Jaques Stern, Doctor of Laws, Thomas Symons, James Smith, Benjamin Smith, James Scott, Thomas Stanley, Clerks; William Stansfield, Thomas Stansfield, John Swire of Skipton, John Swire of Airton, George Smith, Edward Salisbury, Thomas Salisbury, Roger Salisbury, Matthew Slinger, Thomas Strickland, Anthony Strickland, Jonathan Stockdale, Anthony Symonson, Joseph Stell, Samuel Stabler, Abraham Sutcliffe, Henry Scott, Gentlemen; William Stratford, LL.D. Thomas Satterthwaite, William Sudell, Gentlemen; Christopher Smith, Thomas Smith, Valentine

Stead junior, Thomas Townley, Edmund Townley, William Tatham, Stephen Tempest, Stephen Walter Tempest, John Tempest, John Tennant junior, Hugh Tilotson, Esquires; Daniel Taylor, Doctor of Physic, William Thompson, Henry Tennant, Clerks; Henry Town, John Thompson, William Tipping, James Tennant senior, James Tennant junior, William Town, Edward Tatham, Lupton Topham, Hugh Tilotson, Gentlemen; George Taylor, Lupton Topham, Christopher Thompson, John Upton, John Upton junior, William Vavasor, Esquires; Sir Rowland Winn, Baronet, Andrew Wilkin- son, Edward Wilson, Walter Wade, Richard Whitehead, Richard Wilson junior, Richard Weddall, James Wiglesworth, Mathew Wilson, Daniel Wilson, Thomas Wybergh, Robert Wat- son, Thomas Walker, Charles Weadall, Thomas Weadall, Roger Wilson, Roger Wilson junior, Esquires; Matthew Wilson the younger, Henry Wilson, Gentlemen; Thomas Wilson, Henry Wickham, Thomas West, Clerks; Law- rence Wharf, Henry Waddington, John Ward, John Wilcock, William Wilkinson, William Windle, Thomas Wilkinson, Thomas Watkin- son, Richard Wainman, William Wainman, Richard Webster, Arthur Walker, Samuel Waud, John Waddington, John Wilkinson of Skipton, John Wilkinson, Edward Wilson, James Watson, Bryan Wilson, Roger Wake- field, Isaac Wilson, John Wilson, James Wil- son, John Williamson, William Whinfield, Ri- chard Whinfield, Isaac Wilson, William Wi- glesworth,

glesworth of Otley, John Wainman, Samuel Whally, James Wetherhead, Thomas Wetherhead, Gentlemen; James Weymiff, Henry Wilson of Kellet, Esquires; Henry White, Henry Williamson, Joshua Whaley, William Watson of Ilkley, William Watson of Gildersber, Samuel Whalley, Ephraim Vinn, James Wetherherd, Michael Wainhouse, John Walker, William Walker, John Yorke, Thomas Yorke, John Yorke Son of the said Thomas Yorke, Esquires; Francis Yates, Clerk, William Yeates, William Yates, Ralph Toward, William Wrathall, Gentlemen; shall be, and they are hereby appointed and nominated Trustees for the surveying, ordering, amending, widening, and keeping in Repair, the said Highways and Roads leading from Keighley aforesaid, to Kirkby in Kendal aforesaid; and also for putting in Execution all other the Powers and Authorities in and by this Act given and granted; and the Trustees before named, and their Successors, or any nine or more of them respectively, or such Person or Persons as they, or any nine or more of them respectively, shall authorize and appoint, shall and may erect one or more Gate or Gates, Turnpike or Turnpikes, in, cross, or on the Side of any Part or Parts of the said Roads; and also one or more Toll-house or Toll-houses in or upon the same, and shall and may demand, receive, and take the several Tolls and Duties following, before any Horse, Mare, Gelding, Ass, Mule, Cattle, Coach,

Trustees
may erect
Turnpikes
and Toll-
houses, and
take Tolls
thereat.

Coach, Chariot, Landau, Berlin, Phaeton, Chaife, Calafh, Chair, Hearfe, Litter, Waggon, Wain, Cart, or other Carriage whatsoever, fhall be permitted to pafs through the fame, or any of them (that is to fay)

The Tolls.

For every Coach, Chariot, Berlin, Landau, Phaeton, Chaife, Calafh, Chair, Hearfe, or Litter, drawn by fix Horses or more, the Sum of feven Shillings and Sixpence; and drawn by four Horses, the Sum of five Shillings; and drawn by two Horses, the Sum of three Shillings and Four-pence; and drawn by one Horse, the Sum of two Shillings.

For every Waggon, Wain, Cart, or other Carriage, drawn by fix Horses or Beasts of Draught, the Sum of twenty Shillings; and drawn by five or four Horses or Beasts of Draught, the Sum of five Shillings; and drawn by three or two Horses or Beasts of Draught, the Sum of three Shillings and Four-pence; and drawn by one Horse or Beast of Draught, the Sum of one Shilling and Sixpence.

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing, the Sum of Five-pence.

For every Drove of Oxen or Neat Cattle, the Sum of two Shillings per Score; and so in Proportion for every greater or less Number.

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of one Shilling per Score; and so in Proportion for any greater or less Number.

And

And be it further enacted by the Authority <sup>Tolls vest-
ed in the
Trustees.</sup> **the Authority** **aforesaid,** That the said several and respective Sum and Sums of Money, shall and may be demanded, received, and taken, as and in the Name of a Toll or Duty; and the Money so to be raised as aforesaid, shall be and is hereby vested in the said Trustees, and their Successors, and the same and every Part thereof shall be paid, applied, disposed of, and employed, to and for the several Uses, Intents, and Purposes, and in such Manner as is herein after mentioned, ordered, provided, and directed.

And be it further enacted by the Authority <sup>Property of
the Turn-
pikes and
Toll-houses
&c. vested
in the Tru-
stees.</sup> **the Authority** **aforesaid,** That the Right and Property of all and every the Gates, Turnpikes and Toll-houses, and also of all Stones and Posts denoting the Distance from one Place to another, to be erected and built by Virtue of this Act, shall be vested in the Trustees appointed or to be appointed to put this Act in Execution; and that they, or any seven or more of them, are hereby authorized and impowered to dispose thereof, in such Manner as they shall think proper; and to bring Actions, or to prefer Bills of Indictment, in their Names, or in the Names of any seven or more of them, or in the Name or Names of their Clerk or Clerks, Treasurer or Treasurers, against any Person or Persons, who shall steal, take away, throw down, spoil, deface, or damage, such Gates, Turnpikes, or Toll-houses, Stones, or Posts, or any of them, so to be erected and built as aforesaid.

Provided

No more
than one

Gate to be
erected be-
tween Kirk-
by-Lonsdale
and Kirkby-
Kendal.

Tolls to be
taken
thereat.

Application
of the said
Tolls, &c.

Provided alwaies, and be it further enacted and declared, That nothing herein contained shall extend or be construed to extend to give any Power or Authority to the Trustees appointed or to be appointed to put this Act in Execution, to erect more than one Gate or Turnpike cross any Part of the said Road between the Market Town of *Kirkby-Lonsdale*, in the said County of Westmorland, and *Kirkby in Kendal* aforefaid; and that such Trustees so appointed or to be appointed as aforefaid, shall and may demand, receive, and take, at such Gate or Turnpike so to be erected between *Kirkby-Lonsdale* and *Kirkby in Kendal* aforefaid, the Tolls and Duties following, before any Horse, Mare, Gelding, Afs, Mule, Cattle, Coach, Chariot, Landau, Berlin, Phaeton, Chaise, Calash, Chair, Hearse, Litter, Waggon, Wain, Cart, or other Carriage whatsoever, shall be permitted to pass through the same (that is to say) One fifth Part of the whole Tolls and Duties by this Act before appointed to be taken, the same in five equal Parts to be divided and apportioned, and no more; and which said fifth Part shall be deemed and taken as part of the whole Tolls and Duties by this Act granted; and be paid, applied, and laid out, in ordering, amending, widening, and keeping in Repair, that Part of the Highway and Road directed by this Act to be amended and repaired, which leads between *Kirkby-Lonsdale* and *Kirkby in Kendal* aforefaid, and not elsewhere;

where; any thing herein contained to the contrary notwithstanding; but in case the said Road shall at any Time before the Expiration of this Act be sufficiently repaired, and so adjudged to be by the Justices of the Peace for the County of Westmorland, at the General Quarter Sessions assembled, that then the Surplus of the said Toll, after deducting what shall be sufficient to keep the said Road in Repair, shall be applied towards the Repair of any other Part of the Roads by this Act directed to be repaired, in such Manner as any other Toll or Duty granted by this Act is directed to be applied.

Provided nevertheless, That it shall and may be lawful to and for the said Trustees, or any fifteen or more of them, and they are hereby authorized and impowered, if they shall find it necessary and expedient, at any Meeting to be held after the 25th Day of May, which shall be in the Year of our Lord One thousand seven hundred and fifty-six, to demand, take, and receive, for every Waggon, Wain, Cart, or other Carriage, going empty for or laden with Coals, drawn by five Horses or Beasts of Draught, the Sum of one Shilling; and drawn by four Horses or Beasts of Draught, the Sum of Eight pence; and drawn by three or two Horses or Beasts of Draught, the Sum of Four-pence; and drawn by one Horse or Beast of Draught, the Sum of Two-pence; so as no such Toll or Tolls be demanded and taken above once in

After 25th
March,
1756, Tru-
stees may
take the
Tolls here-
in mentio-
ned, for
Carriages
going emp-
ty for, or
laden with,
Coals.

twenty

twenty-four Hours; any thing in this Act contained to the contrary notwithstanding.

Trustees
may sepa-
rate, and
apportion
the Tolls.

Provided always, and **be it further enacted and declared**, That it shall and may be lawful to and for the said Trustees, or any nine or more of them, to separate, divide, and apportion, the Tolls and Duties hereby granted and made payable into so many Shares and Proportions as to the said Trustees, or any nine or more of them, shall seem meet and expedient; and such Parts of the said Tolls and Duties shall be taken and received at so many of the said Turnpikes or Toll-houses, as by the said Trustees, or any nine or more of them, shall be ordered and appointed for that Purpose, and not otherwise.

Tolls to be
levied by
Distress and
Sale.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any seven or more of them, or any Person or Persons by them, or any seven or more of them, by Writing under their Hands and Seals thereunto authorized, shall and may levy the Tolls or Duties hereby required to be paid, upon any Person or Persons who shall, after Demand thereof made, neglect or refuse to pay the same as aforesaid, by Distress of any Horse or Horses, or other Cattle or Goods upon which such Toll or Duty is by this Act imposed, or upon any other Goods or Chattles of such Person or Persons who ought to pay the same, and may detain and keep the same until such Toll or Duty, with the reasonable Charges

Charges of such detaining and keeping, shall be paid; and that it shall and may be lawful to and for such Person or Persons so distraining, after four Days after such Distress made and taken (such Toll or Duty, with the reasonable Charges of such detaining and keeping, not being then paid) to sell the Goods so distrained and taken, returning the Overplus (if any be) upon Demand, to the Owner thereof, after such Tolls and Duties, and reasonable Charges for detaining, keeping, and selling the same, shall be deducted thereout.

And be it further enacted by the Authority ^{Application} of the Money. ^{of the Money.} That from and after the passing of this present Act, the Money arising by the Tolls and Duties hereby granted and made payable, or that shall be borrowed on the Credit thereof, shall, by the said Trustees herein and hereby nominated and appointed, and their Successors, or any seven or more of them, be applied and disposed of, in the first Place, for the paying off and discharging the Charges and Expences attending the obtaining and passing of this Act, and of erecting such Turnpike or Turnpikes, Toll-house or Toll-houses, as the said Trustees shall think proper; and that afterwards and subject thereunto, the Money arising by the Tolls and Duties herein before given and granted, shall be issued, paid, and applied for and towards the amending, repairing, widening, and keeping in Repair, the said Highways
or

or Roads leading from *Keighley* aforesaid to *Kirkby* in *Kendal* aforesaid, in such Manner as the said Trustees above mentioned, or their Successors, or any seven or more of them, shall direct.

Penalty on
Persons
permitting,
or going
through,
private Pas-
sage,

to avoid
Payment of
the Tolls.

And be it further enacted by the Authority aforesaid, That if any Person or Persons whatsoever, owning, renting, or occupying any Lands, or other Tenements, near any Turnpike Gate or Bar, which shall be erected in pursuance of this Act, shall wittingly or wilfully permit or suffer any Person or Persons to pass through or over any Gate, Passage, or Way; or if such Person or Persons, or any other Person or Persons, shall pass through or over any such Gate, Passage, or Way, with any Coach, Chariot, Landau, Berlin, Calash, Phaeton, Chair, Hearse, Waggon, Wain, Cart, or other Carriage, Horse, Mare, Gelding, Ass, Mule, or any other Sort of Cattle, whereby the Payment of any Toll or Duty by this Act laid, or any Part thereof, shall be avoided; every such Person so offending, and being thereof convicted, on Oath, before the said Trustees, or their Successors, or any seven or more of them (which Oath the said Trustees, or any seven or more of them, are hereby impowered to administer) or before one or more Justice or Justices of the Peace for the County, Riding, Division, or Place, where such Offence shall be committed (which Oath the said Justice or Justices of the Peace are hereby impowered to administer)

administer) shall, for every such Offence, forfeit and pay to the respective Trustees hereby appointed for putting this Act in Execution, the Sum of twenty Shillings.

And be it further enacted by the Authority aforesaid, That if any Person or Persons whatsoever shall, at any Time during the Continuance of this Act, unload, or cause to be unladen, any Sort of Goods, or other Merchandize, or take off, or cause to be taken off, any Horse or Horses, from any Coach, Chariot, Berlin, Phaeton, Landau, Chaise, Calash, Chair, Hearse, or Litter; or any Horse or Horses, or Beast of Draught, from any Waggon, Wain, Cart, or other Carriage, at or before he, she, or they shall come to any of the Gates or Turnpikes erected by Virtue of this Act, with an Intent to avoid the Payment of any of the Tolls or Duties hereby imposed; or shall conceal or secrete any Goods or other Things chargeable with any of the Tolls aforesaid; or shall put or leave in any House or Place, any Coach, Chariot, Berlin, Landau, Phaeton, Calash, Chaise, Chair, Hearse, or Litter, Waggon, Wain, Cart, or other Carriage, Horse, Mare, Gelding, Ass, Mule, or other Cattle liable to pay the said Tolls or Duties, with such Intent as aforesaid, each and every Person so offending in either of the said Cases, shall forfeit and pay to the said Trustees hereby appointed, or their Successors, or to their Treasurer or Treasurers for the Time being, the Sum of twenty Shillings.

Penalty on
Persons un-
loading
Goods, or
taking off
Horses, &c.
to avoid
Payment of
the Tolls.

B

And

Penalty on
giving or
receiving
Tickets, to
avoid Pay-
ment of the
Tolls.

And, for the preventing Frauds and Abuses in the said Tolls or Duties, **be it enacted** by the Authority aforesaid, That if any Person or Persons having paid the Tolls or Duties by this Act granted, or any Part thereof, and having a Note or Ticket, Notes or Tickets, to certify the Payment thereof, shall give or dispose of the same to any Person or Persons, or alter the same, in order to avoid the Payment of the said Tolls or Duties, or any Part thereof, every such Person giving, disposing, offering, or altering, and the Person or Persons receiving and using such Note or Ticket, Notes or Tickets, being thereof convicted on Oath, before the said Trustees, or their Successors, or any seven or more of them (who are hereby impowered to administer such Oath) or before one or more Justice or Justices of the Peace for the County, Riding, Division, or Place, where such Offence shall be committed, shall respectively, for every such Offence, forfeit and pay the Sum of twenty Shillings, to be levied, recovered, disposed of, and applied, in such Manner as any other Penalty or Forfeiture is directed to be levied, recovered, and disposed of, by this Act.

Persons and
Things ex-
empted
from Tolls.

Provided always, and it is hereby enacted and declared, That no Person or Persons, who shall pass through any of the Toll-Gates or Turnpikes to be erected in pursuance of this Act, shall be chargeable with, or liable to pay, any of the Tolls or Duties aforesaid,
for

for any Waggon, Wain, Cart, or other Carriage, Horse, Mare, Gelding, Mule, or Ass, laden with, or carrying Coal, Turf, or other Fuel for the Fire, to any Place whatsoever, or any Quantity of Stone, Gravel, or other Materials, for repairing the said Roads, or any of the Roads in the Townships or Hamlets in which the same, or any Part thereof, do respectively lie, or in any of the neighbouring Townships or Hamlets; or for carrying through any of the said Toll-Gates or Turnpikes any Stone, Timber, or other Materials, to be used or employed for building or repairing any Houses, Outhouses, or Fences, or any Lime, Dung, Mould, or Compost, of any Kind whatsoever, for the manuring or improving of Lands or Gardens within such Townships or Hamlets; nor shall any Toll be demanded or taken by Virtue of this Act, for any Carts, Waggon, Wain, or other Carriage, carrying any Hay, or Corn in the Straw, to be laid up in the Houses, Outhouses, Barns, or Yards, of or belonging to the respective Inhabitants of the several Townships, Hamlets, or Places, in which the said Roads hereby intended to be repaired, lie; nor for any Ploughs, Harrows, or other Implements of Husbandry, or any other Things whatsoever employed by such Inhabitants respectively for manuring or cultivating of Lands, lying within such Townships, Hamlets, or Places; nor shall any of the said Tolls or Duties hereby laid be

demanded or taken from any Person or Persons residing in any of the Parishes, Townships, or Hamlets, in which the said Roads to be hereby repaired do lie, who shall pass through any of the said Turnpikes or Toll-Gates to and from Church, Chapel, or other Place of religious Worship, on *Sundays*; or who shall attend the Funeral of any Person or Persons that shall die and be buried in any of the said Parishes; nor for any Horses or Cattle, going to, or returning from, Pasture or Watering-places, belonging to such Parishes, Townships, or Places, or any of the neighbouring Inhabitants; or for Corn or Grist carrying to or from any Mill in any of the said several Townships or Hamlets; or for any Cloth, or other Woollen Stuff, carrying to or from any Fulling-Mill; nor shall any Toll be demanded or taken for any Post Horses carrying the Mail or Packet; nor for the Horses of Soldiers passing, who are upon their March, or for Carts, Carriages, or Waggon's attending them, or ladened with their Arms or Baggage; or for Horses, Carts, or Waggon's travelling with Vagrants sent by Passes.

Wool carrying to *Skipton*, not to pay Toll at any Gate erected between *Holme Bridge* and *Gargrave*.

Provided also, and be it further enacted by the Authority aforesaid, That no Manner of Wool carrying to *Skipton*, shall pay or be charged with any Toll or Duty at any Gate to be erected between *Holme-Bridge* and the Town of *Gargrave*.

Trustees may appoint Officers;

And be it further enacted by the Authority aforesaid, That the said Trustees herein between

fore nominated and appointed for repairing, amending, and widening the said Highways and Roads afore-mentioned, or any nine or more of them, shall and may, at their first or any succeeding Meeting, by Writing under their Hands and Seals, elect, nominate, and appoint one or more fit Person or Persons to be Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, of the Tolls or Duties hereby granted; and also one or more fit Person or Persons to be Surveyor or Surveyors to view the Condition of the respective Roads, and to see that the same be effectually amended, repaired, and widened, and the Money arising and expended by Virtue of this Act, be duly applied; and also shall and may, from time to time, remove and displace such Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, Surveyor or Surveyors, or any of them, as they shall see Occasion, and appoint new ones in case of Death, or such Removal; and such Person or Persons as is or are made liable to pay the said Tolls or Duties, is and are hereby required to pay the same to such Receiver or Receivers, Collector or Collectors, as shall, from time to time, be appointed for that Purpose: And the Person or Persons so to be appointed as aforesaid, for receiving the said Tolls or Duties, and also the Treasurer or Treasurers to be appointed as aforesaid, shall, upon Oath, (if thereunto required by the said Trustees,

and remove
them, and
appoint c-
thers.

Officers to
account u-
pon Oath,
&c.

or any seven or more of them) before the said Trustees so requiring the same, and which Oath the said Trustees are hereby impowered to administer, once in every Month, or oftener if required, during the Continuance of this Act, give in a true, exact, and perfect Account in Writing, under their respective Hands, of all Monies which he or they, and every of them, shall to such Time have received, paid, and disbursed, by Virtue of this Act, on Account of his or their respective Office or Offices, for which Oath no Fee or Reward shall be taken, and the same may be taken without any Stamp thereupon; and in case any Money so received shall remain in his, their, or any of their Hands, the same shall be paid to the said Trustees, or any seven or more of them, or to such Person or Persons as any seven or more of them shall, by any Writing or Writings under their Hands and Seals, authorize and impower to receive the same, and the Money so received shall be disbursed and laid out in amending and repairing the said Highways or Roads, according to the true Intent and Meaning of this Act, and to and for no other Use or Purpose whatsoever.

Trustees to
allow Officers
Salaries.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any nine or more of them, shall and may, out of the Monies arising by the said Tolls or Duties, make such Allowance to the Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors,

ors, Collector or Collectors, to be by them appointed for the several Purposes aforesaid, for and in Consideration of his and their Care and Pains respectively taken in the Execution of his and their respective Office and Offices, and to such other Person and Persons who have been or shall be assisting in and about procuring the said Roads to be amended and repaired, as the said Trustees, or any Nine or more of them, shall think reasonable: And in case the said Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, of the aforesaid Tolls or Duties so to be paid as aforesaid, or any of them, shall not make such Account and Payment to such Person or Persons, according to the Order and Direction of the said Trustees, or any nine or more of them, that then the said Justices of the Peace, at any Special or other Sessions or Meeting of them, to be holden in the County, Riding, Division, or Place, where such Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, shall have acted and been employed, and made such Default as aforesaid, shall make Inquiry of and concerning such Default, as well by Confession of the Party, as by the Testimony of one or more credible Witness or Witnesses, upon Oath, (which Oath the said Justices are hereby impowered and required to administer without Fee or Reward) and if any Person or Persons shall be thereof convicted by such Justices, they shall, upon such Conviction for

Officers not making Account and Payment,

Justices to inquire into the Default;

and on
Conviction
commit the
Offender to
Gaol.

every such Offence, commit the Party or Parties to the common Gaol of the Riding, County, or Division, where such Offence shall be committed, there to remain without Bail or Mainprize, until he or they shall have made a true and perfect Account and Payment, according to the true Intent and Meaning of this Act.

Treasurer
to give Se-
curity.

Provided alwaays, and be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, shall and are hereby required to take such Security from the Treasurer or Treasurers to be appointed as aforesaid, as they, or any nine or more of them, shall adjudge sufficient, for the due Execution of the Office aforesaid, before any such Treasurer or Treasurers shall be permitted to use or exercise his or their said Office or Offices.

Surveyors
may dig
Gravel, &c.
in Waste
Grounds &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person and Persons as he or they shall appoint, to dig, gather, take, and carry away, any such Gravel, Sand, Stones, or other Materials, out of any Waste or Common, River or Brook, of or in any Parish, Township, Village, or Hamlet, in or near which the said Highways or Roads do lie, as shall be proper and convenient for amending and repairing the Roads aforesaid, without paying any thing for the same; such Surveyor or Surveyors levelling, or causing to be levelled,
all

all the Holes and Pits from whence any such Materials shall be dug, gathered, or taken; and where there is not sufficient of such Materials in any such Commons, waste Grounds, Rivers, and Brooks, as aforesaid, it shall and may be lawful for such Surveyor or Surveyors, by Order of the said Trustees, or any seven or more of them, to dig and gather the same out of the Ground of any Person or Persons (not being the Ground whereon any House or Houses stand, Garden, Orchard, Yard, Park, planted Walk or Avenue to a House, or any Place or Parcel of Ground set apart and used as a Nursery for Trees) where such Materials are or may be found, and from time to time to take and carry away such and so much thereof, as the said Surveyor or Surveyors shall adjudge necessary for repairing and amending the Roads aforesaid, paying such Rates for such Materials, and for the Damage done to the Owners and Occupiers of the Ground where and from whence the same shall be dug, gathered, or carried away, or over which the same shall be carried, as the said Trustees, or their Successors, or any seven or more of them, shall adjudge reasonable; and in case of any Difference concerning the same between such Owners or Occupiers and the said Trustees, touching such Damage as aforesaid, the Justices of the Peace, at their General Quarter Sessions to be holden for the County, Riding, Division, or Place, where such Materials shall be dug, gathered,

Where sufficient Materials cannot be had there, they may be taken from private Grounds;

making Satisfaction to the Owners

Justices to determine Differences relating thereto.

gathered, or carried away, or where such Damage shall be done as aforesaid, or the major Part of them present at the said Sessions, shall adjudge, assess, and finally determine the same.

Surveyors
may re-
move An-
noyances in
the Road,
&c.

the Owners
neglecting
to remove
the same af-
ter Notice.

Charges to
be reimbur-
sed to the
Surveyors.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor and Surveyors, and such Person and Persons as he or they shall appoint, from time to time to remove and prevent all Annoyances on or in any Part of the said Roads, by Filth, Dung, Ashes, Rubbish, or otherwise, and to turn any Water-courses, Sinks, or Drains, running into, along, or out of the said Roads, to the Prejudice thereof, and to cleanse any Ditch or Water-course adjoining to the said Roads, and to cut down, lop, or top any Trees (except Timber Trees) Branches or Bushes, growing in the said Roads, or in the Banks or Hedges adjoining thereto, in case the Owners or Occupiers of the Premises where such Annoyances as aforesaid shall happen to be, shall neglect to cut down such Branches or Bushes, and remove such Annoyances within ten Days after Notice in Writing given for that Purpose, under the Hand or Hands of the said Surveyor or Surveyors, or under the Hand of any of them, the Charges whereof shall be reimbursed to the said Surveyor or Surveyors by such Owners or Occupiers so neglecting to cut down or remove such Annoyances, such Charges to be levied by Distress and Sale

Sale of the Goods and Chattles of such Owner or Occupier, by a Warrant under the Hands and Seals of seven or more of the said Trustees, or two or more Justices of the Peace for the County, Riding, Division, or Place, where such Offence shall be committed; and if after such Removal of any of the said Annoyances, any Person or Persons shall again offend in the like Kind, every such Person and Persons so offending, and being thereof convicted upon Confession of the Party offending, or upon Oath of one credible Witness, before one or more Justice or Justices of the Peace for the County, Riding, Division, or Place where the said Offence shall be committed, (which Oath the said Justice or Justices is and are hereby impowered to administer) shall, for every such Offence, forfeit and pay unto the said Trustees, the Sum of twenty Shillings, to be levied as aforesaid.

Persons
convicted of
a second
Offence, to
forfeit 20s.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, by Order of the said Trustees, or any seven or more of them, to make, or cause to be made, Causeways, and to cut and make Drains through any Ground lying contiguous to the said Road, and to make and erect Arches or Bridges upon the said Roads, and to divert and turn the said Roads and Highways over any Part of the Moors or Waste Grounds contiguous and adjoining thereto, or through

Surveyors
may make
Causeways,
and cut
Drains, &c.

and widen
the Roads,

making Sa-
tisfaction to
the Owners
of such
Grounds.

Justices to
determine
Differences.

through which the said Roads now pass; and also to widen the narrow Parts of the said Roads, by opening, clearing, and laying into the same any Grounds of any Person or Persons, Bodies Politic or Corporate, lying contiguous thereto, (not being a House, Garden, Orchard, planted Walk or Avenue to a House) and also to cause Ditches or Trenches to be made in such Manner as such Surveyor or Surveyors, by Order of the said Trustees, or any seven or more of them, shall judge necessary for the better amending and keeping the Roads aforesaid in good Repair, the said Surveyor or Surveyors making such reasonable Satisfaction to the Owners or Occupiers of the Ground through which any such Drain or Drains shall be cut, or on which any such Arch or Arches, Bridge or Bridges, shall be made, for the Damages which such Owners or Occupiers shall or may thereby sustain, as shall be adjudged by the said Trustees, or any seven or more of them; and in case any Difference shall happen between such Owners or Occupiers and the said Trustees, touching the Damages occasioned by the cutting any such Drain or Drains, or the erecting any such Arch or Arches, Bridge or Bridges, that then it shall and may be lawful to and for the said Justices of the Peace, at their General Quarter Sessions to be holden for the County, Riding, Division, or Place where such Difference shall arise, or the major Part of them, to hear, settle, adjudge, and finally determine the

the same: And if any Owner or Owners, ^{Owners neglecting to cut their Hedges and scour their Ditches &c.} Occupier or Occupiers of any Water-course or Water-courses, Ditch or Ditches, adjoining to the said Roads, shall neglect or refuse to scour and cleanse, or to make such Ditch or Ditches so deep, and in such Manner, as the said Surveyor or Surveyors shall, from time to time, judge proper and convenient, after ten Days Notice shall be given for that Purpose, by such Surveyor or Surveyors, or such Person or Persons as he or they shall appoint, to such Owner or Owners, Occupier or Occupiers, it shall and may be lawful to and for such Surveyor or Surveyors to set ^{Surveyors may cause the same to be done, and levy the Charge by Distress and Sale.} any Man or Men at Work to scour, cleanse, and deepen the same, and by Warrant from any seven or more of the said Trustees, to levy the Charge thereof upon the Goods or Estates of the Owner or Owners, Occupier or Occupiers of such Water-course or Water-courses, Ditch or Ditches, by Distress and Sale of his or their Goods and Chattles, rendering the Overplus on Demand (if any be) to the said Owner or Owners, Occupier or Occupiers, after deducting thereout all Charges of such Distress and Sale.

And be it further enacted by the Authority ^{Parish Surveyors to give in Lists of the Persons who are chargeable to do Statute-Work, &c.} aforesaid, That the respective Surveyor and Surveyors of the Highways for the time being, in which the said Roads intended to be repaired by this present Act do lie, shall yearly and every Year, during the Continuance of this Act, within ten Days after Demand made

to him or them in Writing to the faid Turnpike Surveyor or Surveyors, deliver to the faid Turnpike Surveyor or Surveyors, an exact Lift or Account in Writing under his or their Hands, of the Names of all and every Person and Persons in the faid refpective Townfhips, who are by Law chargeable towards repairing the Roads in any of the faid Townfhips, and fhall fet forth and fpecify in fuch Lift what each Person is refpectively chargeable with for and towards the fame; and the faid Town Surveyor or Surveyors for the time being refpectively, within ten Days after Notice fhall be given to him or them, by the faid Turnpike Surveyor or Surveyors, of the Time when, and how many of the Persons fo chargeable as aforefaid, he or they would have to do fuch their refpective Statute or Day's Work fo adjudged or appointed as aforefaid, in or upon any Part or Parts of the faid Road, fhall fummone or give public Notice thereof to the faid Person or Persons fo chargeable as aforefaid; and if any of the Town Surveyor or Surveyors aforefaid, fhall neglect to do as they are hereby required and directed to do, he or they, for every fuch Neglect or Refufal, fhall forfeit and pay the Sum of five Pounds: And if any Person or Persons keeping a Team or Teams, Draught or Draughts, Cart or Carts, and chargeable towards repairing the faid Roads, fhall, after fuch Summons or public Notice, neglect or refufe to do and perform their refpective

and on Notice given, to fummone the Persons fo chargeable.

Penalty on their Neglect,

and on Persons not performing their Statute Work.

pective Statute-Work on the said Roads, he she, or they, so neglecting or refusing, shall respectively forfeit and pay the Sum of three Shillings for each of the Days such Person or Persons shall make Default : And if any Labourer or other Person or Persons so chargeable towards repairing the said Roads, shall at any Time neglect or refuse (after such Summons or public Notice) to do and perform his or their respective Statute-Work or Duty on the said Roads, he, she, or they shall respectively forfeit and pay the Sum of one Shilling for each of the Days such Labourer or other Person or Persons shall make such Default ; and if any Person or Persons who shall (according to such Summons or public Notice as aforesaid) come to work as a Labourer or Labourers, or be sent with any Team, Draught, or Cart, to work on the said Roads, shall be found idle or negligent by the said Turnpike Surveyor or Surveyors respectively where the Work is to be done, in such Case the said Turnpike Surveyor or Surveyors may, and is hereby impowered and required to remove and turn him or them off, who shall be found idle and negligent as aforesaid, and it shall be esteemed and taken as if such Labourer or Labourers had not come ; and such Labourer or Labourers, and the Owner or Owners of such Team, Draught, or Cart respectively, shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he, she, or they had neglected

Surveyors
may turn
off Labour-
ers for their
Neglect.

ed or refused to do or perform his, her, or their respective Statute Work, so ordered and appointed as aforesaid.

Persons performing two Days Work yearly on the Roads, exempted from other Statute Work.

Provided always, That all and every Person and Persons now liable, and who, during the Continuance of this Act, shall be liable to do Statute Work on the said Road hereby intended to be repaired, on his or their doing two Days Work in each Year, in Manner herein before directed and prescribed, shall be, and is and are hereby exempted from doing or performing any more or other Statute Work than two Days Work in each Year on the said Road ; any thing herein contained to the contrary notwithstanding.

Trustees may compound with Townships for Statute-Work.

Provided always, and be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, and their Successors, or any seven or more of them, from Time to Time, during the Continuance of this Act, to compound and agree with any of the Townships to which the said Roads do belong, or with the Inhabitants thereof, for a certain Sum of Money, or otherwise, by the Year, as the said Trustees, and their Successors, or any seven or more of them, shall think reasonable, in lieu of the Statute or other Work to be done by such Township or Townships, or by the Inhabitants thereof ; Copies of all which Compositions or Agreements so to be made by the said Trustees, as aforesaid, shall be entered at Length in a Book or Books to be kept for that

Compositions to be entered in a Book.

that Purpose, by the said Clerk or Clerks, Treasurer or Treasurers; which said Book or Books shall and may be seen and perused by any Person or Persons whomsoever, without Fee or Reward.

And be it further enacted by the Authority Trustees may compound with Travellers in lieu of Tolls. afore said, That the said Trustees, or any seven or more of them, at any of their public Meetings, may, and they are hereby empowered, from Time to Time, as they shall see convenient, or think fit, to compound or agree, for any Time not exceeding one Year, with any Person or Persons using to travel through the Turnpike or Turnpikes to be erected by Virtue of this Act, with any Coach, Chariot, Landau, Berlin, Phaeton, Calash, Chaise, Chair, Waggon, Wain, Cart, or other Carriage, Horse, Gelding, or Mare, for any Sum or Sums of Money to be paid quarterly, from Time to Time, after such Agreement shall be made.

And be it further enacted by the Authority Surveyors by Order of the Trustees may make a temporary Road over private Grounds. afore said, That it shall and may be lawful to and for the said Turnpike Surveyor or Surveyors, by Order of the said Trustees for the Time being, or any seven or more of them, to make, or cause to be made, a Road or Way through, over, or along, any Grounds adjoining to any narrow or ruinous Part or Parts of the said Roads hereby intended to be repaired, (not being the Ground whereon any Houses or Buildings stand, or a Garden, Orchard, Park, or planted Walk or Walks,

C

or

making Satisfaction to the Owners of the Ground.

Justices to determine Differences relating thereto.

Trustees may lease, &c the Tolls

or Avenue to any House, or any Piece or Parcel of inclosed Ground, planted or set apart for Trees) to be made Use of by any Passengers with Horses, Coaches, Carriages, or otherwise, as a public Highway, whilst the old, narrow, or ruinous Road is repairing, and until such Time as it shall be convenient and safe for Passengers and Carriages to travel and go along the said Road intended to be repaired, and no longer; making such reasonable Satisfaction to the Owners or Occupiers of such Ground respectively, for the Damages such Owners or Occupiers respectively shall or may sustain thereby, as shall be adjudged by the said Trustees for the Time being, or any seven or more of them; and in case any Difference shall happen between the Owners or Occupiers and the said Trustees, touching or concerning such Damages, that then it shall and may be lawful to and for the Justices of the Peace, or the major Part of them, at their next General Quarter Sessions to be holden for the County, Riding, Division, or Place, where such Grounds shall lie, to hear, settle, adjudge, and finally determine the same.

And be it further enacted by the Authority aforesaid, That the said Trustees, or their Successors, or any nine or more of them, shall and may, and are hereby impowered, by Writing under their Hands and Seals, without any Stamp thereon, to set, demise, and to farm-let, the Tolls or Duties by this Act granted,

granted, or so much or such Part thereof, as shall be collected at any of the said Gates, as shall be erected or set up in pursuance of this Act, to any Person or Persons who shall be willing to take or farm the same, from Year to Year, or for any Part of the said Term hereby granted, not exceeding three Years, upon twenty Days Notice in Writing, to be fixed on all the Turnpike Gates to be erected by Virtue of this Act, and to the highest Bidder upon a public Bidding, and for the best Price such Trustees can get for such Tolls, or any Part thereof, payable at such Times, and under such Covenants, as they the said Trustees, or any nine or more of them, shall think fit; and to be paid to the said Trustees, or any nine or more of them, or to such Person or Persons as they, or any nine or more of them, shall appoint to receive the same; which Money so to be paid, shall be applied and disposed of for repairing the said Roads, and the other Purposes herein mentioned, and to no other Use or Purpose whatsoever; and if the Money which shall be agreed to be paid for the Tolls by the Person or Persons to whom the same shall be let, or any Part thereof, shall not be paid to the said Trustees, within the Space of twenty-eight Days next after the respective Times, at which the same by the said Agreement respectively should or ought to be paid, then upon Proof of such Lettings, and of the Non-payment of the said Money, or any Part thereof, before any Ju-

Notice thereof to be fixed on the Turnpikes.

Application of the Money.

The Rent may be levied by Distress and Sale;

Justice of Peace for the County, Riding, Division, or Place, where the Person or Persons from whom such Money shall be due or payable shall live, on the Oath of one Witness, or on the solemn Affirmation of any one of the Persons called *Quakers*, (which Oath or Affirmation such Justice is hereby impowered to administer) the same Money, and every Part thereof, shall and may be levied by Distress and Sale of the Goods and Effects of the Person or Persons from whom the same shall be due or payable, or of his, her, or their legal Representative or Representatives, by a Warrant or Warrants, under the Hand and Seal of such Justice, the Overplus of the Money which shall be raised by such Distress and Sale being returned to the respective Owner or Owners of such Goods and Effects, (if demanded) after the said Money, and reasonable Charges of such Distress and Sale, shall be first paid or deducted thereout; and if Goods or Effects of such Person or Persons cannot be found sufficient to answer and satisfy the said Monies, and the reasonable Charges of such Distress and Sale (if any such there be) then any such Justice may and is hereby required by a Warrant or Warrants under his Hand and Seal, to cause such Person or Persons to be committed to the common Gaol of the same County, there to remain without Bail or Mainprize, until the said Monies and Charges, if any there shall be, be fully satisfied and paid, or until such Person or

and for
want of Dis-
tress, the
Party to be
committed,

till Payment
or Compo-
sition be
made.

or Persons shall have compounded with the said Trustees, or any seven or more of them, for the said Monies, and shall have paid the Money in and by such Compositions agreed upon to be by them paid to the said Trustees; which said Compositions and Money, the said Trustees, or any seven or more of them, are hereby impowered to take and receive, in full Satisfaction of the Monies that shall be then due from such Person or Persons.

And be it further enacted by the Authority
aforesaid, That in case the said Trustees and
their Successors, or any nine or more of them,
shall in their Judgement think it more con-
venient, safe, and commodious, for the Pas-
sage of Horses and Carriages, to divert and
turn the said Road and Highway, or any Part
thereof, hereby directed to be repaired, that
then it shall and may be lawful to and for
the said Trustees, for the Time being, or any
nine or more of them, and they are hereby
impowered and authorized, from Time to
Time, to purchase and agree for any Lands
or Grounds, being the private Property of
any Person or Persons, (if the Owners or Pro-
prietors shall be willing to sell and dispose of
the same) or such Part thereof as shall be
necessary for that Purpose, and to pay for the
same out of the Tolls and Duties by this Act
granted, or out of the Money to be borrowed
on the Credit thereof, such Sum or Sums of
Money as shall be agreed upon between such
Owners or Proprietors and the said Trustees,

Lands pur-
chafed to
be laid into
the Roads,

and kept in
Repair as
fuch.

Old Road
to be fold,

or any nine or more of them; and fuch Lands and Grounds when purchafed, as aforefaid, fhall, by Order and Direction of the faid Trustees, or any nine or more of them, be laid into, and made part of, the faid Roads fo directed to be repaired and amended by this Act, in fuch Manner as the faid Trustees, or any nine or more of them, fhall think convenient or proper, and fhall by them, or fuch Person or Persons as they, or any nine or more of them, fhall order and appoint for that Purpofe, be fufficiently ditched or fenced out; and after the faid Lands and Grounds fhall be fo ditched and fenced out, the fame fhall not only during the Continuance of this Act, but fhall for ever hereafter, to all Intents and Purpofes, be efteemed and taken as public Highways, and fhall be amended and kept in Repair by fuch Ways and in fuch Manner as other Highways are amended and kept in Repair, by the Laws in being; and after fuch Purchase fhall be made as aforefaid, the Lands and Grounds comprifed in, or constituting the old former Road (in lieu whereof the Lands or Grounds for fuch new Road or Way fhall be purchafed, obtained, and made, as aforefaid) fhall or may be fold or difpofed of by the faid Trustees, or any nine or more of them (except fuch old Road lead to fome other Town or Place) to fuch Person or Persons as fhall be willing to become Purchafers thereof, for the beft Price that can be reasonably had or gotten

ten for the same; and the Monies arising by such Sale shall be applied and disposed of for the repairing and amending the said Roads; and such Conveyance or Conveyances to be made of the said Lands and Grounds comprised in the said old Road, being executed by the said Trustees and their Successors, or any nine or more of them, and inrolled with the Clerk of the Peace for the County, Riding, Division, or Place where the said Lands lie, shall be good and effectual in the Law to all Intents and Purposes whatsoever.

And whereas it may happen that some Persons or Bodies Corporate or Collegiate, Infants, Femes Covert, Feoffees in Trust, or others, are seized or possessed of Lands, Grounds, or Hereditaments, which may by the said Trustees be thought necessary or proper to be taken in and added to the said Roads for the widening the same; and such Persons or Bodies Corporate, Collegiate, Infants, Femes Covert, or Feoffees, may be willing to treat and agree for the Sale of such Lands, Grounds, or Hereditaments, but are incapable of granting or conveying the same by reason of Infancy or other Disability; **be it therefore enacted** by the Authority aforesaid, That it shall and may be lawful to and for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, or Guardians, or other Trustees whatsoever, for or on the Behalf of any Infants, Femes

and the Money applied in repairing the Road.

Bodies Politic and other Trustees empowered to contract with the Trustees for the Sale of such Lands.

Covert, or Cestuique Trusts; and for all and every other Person or Persons whatsoever, who are or shall be seized, possessed of, or interested in any such Lands, Grounds, or Hereditaments, to treat, contract, and agree with the Trustees, or any seven or more of them, for the Purchase of such Grounds, Lands, or Hereditaments, or any Part thereof, or for their Interest therein, for the Purposes aforesaid, and to sell and convey the same as Occasion shall be and require; and all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes; any Law, Statute, Usage, or any other Matter or Thing to the contrary thereof in any Wise notwithstanding; and all Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, Corporations Aggregate or Sole, and all other Persons, are and shall be hereby indemnified for what they shall do by Virtue of or in pursuance of this Act.

Proprietors
neglecting,
or refusing
to treat,

And be it further enacted by the Authority aforesaid, That if any such Owner, Proprietor, Occupier, Bodies Politic, Corporate, or Collegiate, or any other Person or Persons interested in Lands, Grounds, or Hereditaments, upon Notice to them given or left in Writing at the Dwelling-house or Dwelling-houses, or Place or Places of Abode of such Person or Persons, or of the Head Officer or Officers of such Bodies Politic, Corporate, or Collegiate, or at the House of the Tenant in Possession

Possession of the Lands, Grounds, or Hereditaments so to be taken in and added to the said Roads as aforesaid, shall, by the Space of twenty Days after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then, and in every or any such Case, the said Trustees, or their Successors, or any seven or more of them, shall cause it to be inquired into and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of the County in which such Lands so to be taken into the said Road shall lie (which Oath any two or more of such Trustees, or any one or more Justice or Justices of the Peace for the said County or Riding where the said Lands do lie, are hereby impowered and required to administer) what Damages will be sustained by, and what Recompence and Satisfaction shall be made to such Owners, Occupiers, or Proprietors, or other Person or Persons interested for or upon the Account of the taking of such Lands, Grounds, or Hereditaments into the said Roads; and in order thereto, the said Trustees, or any seven or more of them, are hereby impowered and required, from Time to Time, as often as Occasion shall be, to summon and call before the said Jury, and examine upon Oath all and every Person and Persons whatsoever, who shall be thought necessary or proper to be examined as a Witness or Witnesses, touching or concerning the Premises,

Jury to settle the Recompence.

Trustees to examine Witnesses on Oath concerning the Premises.

Verdict of
the Jury to
be conclu-
sive to all
Parties.

Premises (which Oath any two or more of such Trustees, or one or more Justice or Justices of the Peace, are hereby impowered and directed to administer) and they shall also order and call the said Jury to view the said Places in Question, if there be Occasion, and use all other lawful Ways and Means, as well for their own as for the said Jury's better Information of the Premises, as they the said Trustees, or any seven or more of them, shall think fit; and after the said Jury shall have so inquired of, ascertained, and settled such Damage and Recompence, they the said Trustees, or any seven or more of them, shall thereupon order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury, to be paid to the Owners or Proprietors of, or other Persons interested in the said Lands, Grounds, or Hereditaments, according to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and Judgement, Order, or Determination, so had and made, shall be final, binding, and conclusive to all Intents and Purposes, against all Parties and Persons whatsoever, claiming in Possession, Reversion, Remainder, Expectancy, or otherwise, their Heirs and Successors, as well absent as present, Infants, Females Covert, and Persons under any Disability whatsoever, Bodies Politic, Corporate, or Collegiate, as well as all other Person or Persons whatsoever; and all and every such Owners, Occupiers, and Proprietors, and all
and

And be it further enacted by the Authority Trustees to
aforesaid, That for the summoning and re-issue their
turning such Jury or Juries, the said Tru-Warrants
stees, or any seven or more of them, are to the Sher-
iff, to im-
hereby impowered to issue out their Warrant panel and
or Warrants to the Sheriff of the County summon a
Jury.

where the said Lands shall respectively lie, thereby commanding and requiring him to impanel, summon, and return, an indifferent Jury of twenty-four Persons to appear before the said Trustees, or any seven or more of them, at such Time and Place as in such Warrant shall be appointed; and the said Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return twenty-four such Persons as aforesaid; and out of the Persons so impanelled and returned, or out of such of them as shall appear according to or upon such Summons, the said Trustees, or any seven or more of them, shall swear, or cause to be sworn, twelve, who shall be the Jury for the Purposes aforesaid; and for Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to the Number of Twelve.

Jurors may
be chal-
lenged.

Trustees
may levy
Fines on the
Sheriff and
others, ma-
king De-
fault in the
Premises.

Fine not to
exceed 5l.

Provoided always, and be it further enact-
ed by the Authority aforesaid, That all Per-
sons concerned shall have their lawful Chal-
lenges, from Time to Time, against any of
the said Jurymen when they come to be sworn;
and that the said Trustees, or any seven or
more of them, acting in the Premises, shall
have Power, from Time to Time, to impose
any reasonable Fine or Fines on such Sheriff
or Sheriffs, his Deputy or Deputies, Bailiffs,
or Agents, making Default in the Premises;
and on any of the Persons that shall be sum-
moned and returned on such Jury, not ap-
pearing, or refusing to be sworn on the said
Jury, or being so sworn, refusing, and not
giving their Verdict concerning the same, or
in any other Manner wilfully neglecting their
Duties therein, contrary to the true Intent
and Meaning of this present Act; and if any
Person or Persons, who being required to give
Evidence before the said Jury touching the
Premises, shall refuse to be examined, or to
give Evidence touching the same, the said
Trustees, or any seven or more of them, shall
and may impose such Fine or Fines, and levy
the same in such Manner as any Fine is by
this present Act directed to be levied, so as
no such Fine exceed the Sum of five Pounds
on any one Person.

And be it further enacted by the Authority
aforesaid, That all and every such Sum and
Sums of Money, Consideration, Recompence,
and Satisfaction, to be agreed for, ascertain-
ed,

ed, or assessed as aforesaid, shall be, and are hereby charged and chargeable upon all Tolls and Monies which shall be raised, received, and borrowed for the Purposes of this Act, and shall be paid thereout accordingly, to the Persons respectively intitled thereto; and in case of Refusal to accept the same, leaving the same in the Hands of the Clerk or Clerks of the said Trustees for the Time being; and after ten Days Notice thereof given to such Person or Persons, it shall and may be lawful for the said Trustees, or any seven or more of them, their Surveyors, Workmen, and Agents, to take into, and add to the said Road such Grounds, Lands, and Tenements; and to ditch and fence off the same, as the Trustees, or any seven or more of them, shall think fit; and the said Ground or Grounds, Lands or Tenements, so to be taken in, shall, to all Intents and Purposes, from thenceforth become and be deemed and taken to be a public and common Highway, and be deemed Part of the said Road, not only during the Continuance of this present Act, but for ever hereafter, and shall be kept in Repair by such Ways and Means, and in all Respects in such Manner as other Highways are by Law to be kept in Repair.

Satisfaction
for the
Lands ta-
ken into the
Road, to be
paid out of
the Tolls or
Money bor-
rowed;

the Ground
to be taken
into the
Road, and
to be used
as a com-
mon High-
way.

Provided always, and it is hereby enacted and declared by the Authority aforesaid, That the said Trustees and their Successors, or any nine or more of them, with the Consent of such Person or Persons who shall have ad-
vanced

Trustees,
with Con-
sent of the
Creditors,
may lessen
the Tolls.

vanced Money on the Credit of the said Tolls, and which shall remain unpaid, are hereby authorized and impowered, from Time to Time, in case it shall appear to be requisite and expedient, to lessen the several Tolls and Duties hereby granted and made payable, and to order and direct such Tolls and Duties so lessened and reduced, from thenceforth, to be collected, received, taken, and laid out and applied for the Purposes of this Act, in such Manner, Parts, and Proportions, as they shall think fit; any thing herein contained to the contrary in any wise notwithstanding.

If the Tolls when reduced shall be found insufficient, Trustees may raise them.

Provided always, That if at any Time after such Reduction or Lessening of the said Tolls as aforesaid, the Tolls so reduced or lessened shall not be found sufficient to answer the Purposes intended by this Act, that then it shall and may be lawful to and for the said Trustees, or any nine or more of them, to advance and raise the said Tolls, or any of them, to the Sum herein before by this Act directed to be taken and paid; any thing herein contained to the contrary thereof notwithstanding.

Commencement and Continuance of the Tolls.

And be it further enacted by the Authority aforesaid, That the Tolls or Duties hereby granted, shall take Place from and after the twenty-fourth Day of June, One thousand seven hundred and fifty-three, and shall continue and be paid (subject nevertheless to such Reduction as aforesaid) from thence, for and during the Term of twenty-one Years,
and

and from thence to the End of the next Session of Parliament; but if at any Time all the said Roads hereby directed to be amended and made good, shall be sufficiently amended, and shall be so adjudged by the Justices of the Peace of the West Riding of the County of *York*, and of the Counties of *Lancaster* and *Westmorland*, at their respective General Quarter Sessions, to be holden for the said Riding and Counties, next after Easter in any Year; and all such Money as shall have been advanced, lent, borrowed, and taken up, on the Credit of the said Tolls and Duties hereby granted, with the Interest for the same, and the Costs and Charges thereof, and of obtaining this Act of Parliament, shall be repaid, then and from thenceforth the aforesaid Tolls and Duties shall cease and determine; any thing herein contained to the contrary thereof in any wise notwithstanding.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees appointed or to be appointed to put this Act in Execution, who is, are, or shall be in the Commission of the Peace for the West Riding of the County of *York*, or the Counties of *Lancaster* or *Westmorland*, or any of them, notwithstanding his or their being appointed Trustees for putting this Act in Execution, to act as a Justice or Justices of the Peace in all Cases, Matters, and Things, which may be necessary for the more speedy and effectual putting in Execution

If the Roads shall be adjudged to be sufficiently repaired before the Expiration of the said Term, and the Money due be repaid, the Tolls, &c. to cease.

Trustees, who are in the Commission of the Peace, may act as Justices.

tion the several Authorities and Powers in this Act mentioned and contained.

No Order of the Trustees to be repealed, unless Notice be given for that Purpose, and affixed on all the Turnpikes.

Provided always, and it is hereby enacted and declared, That no Order made by the said Trustees and their Successors, or any seven or more of them, in, for, or concerning the executing the Trusts, Powers, and Authorities of this present Act, or any of them, shall be revoked, repealed, or set aside by any subsequent Order of the said Trustees, unless Notice be for that Purpose, by the Directions of the Trustees or their Successors, fixed in Writing, under the Hand of the Clerk to the said Trustees, upon all the Turnpike Gates erected by Virtue of this Act, at least seven Days before the repealing of such Order.

Proceedings not to be quashed for want of Form only;

Provided always, and be it further enacted by the Authority aforesaid, That no Order made touching or concerning any of the Matters aforesaid, or any other Proceedings to be had touching the Conviction or Convictions of any Offender or Offenders against this Act, shall be quashed or vacated for want of Form only, or be removed or removeable by *Certiorari*, or any other Writ or Process whatsoever, into any of his Majesty's Courts of Record at *Westminster*; any thing herein contained to the contrary notwithstanding.

nor removeable by *Certiorari*.

Tolls may be assigned for Money borrowed.

And forasmuch as the Money to be collected by the Receipt of the Tolls by this Act laid and made payable, as aforesaid, will not at present be sufficient for the speedy repairing and widening the said Roads; **be it further**

further enacted by the Authority aforesaid, That the said Trustees, or any nine or more of them, shall and may, and they are hereby impowered, from Time to Time, by any Writing or Writings under their Hands and Seals, without any Stamp to be impressed thereon, to assign over the said Tolls arising by Virtue of this Act, or any Part thereof, (the Costs and Charges of assigning the same to be borne and paid out of such Tolls) for any Time or Term during the Continuance of this Act, as a Security for any Sum or Sums of Money to be borrowed by the said Trustees, or any nine or more of them, for that Purpose, to such Person or Persons, or their Trustees, who shall advance and lend the same, to secure the Payment thereof, with such Interest as shall be agreed upon, not exceeding five Pounds for every hundred Pounds for a Year; which said Money, so to be borrowed, shall be applied and disposed of as in this Act is directed, and to no other Use or Purpose.

And be it further enacted by the Authority aforesaid, That all and every the Mortgage or Mortgages, Assignment and Assignments, so to be made by the said Trustees, for securing such Sum or Sums of Money as aforesaid, shall be copied and entered in a Book or Books to be kept for that Purpose by the said Clerk or Clerks, Treasurer or Treasurers to the said Trustees; which said Book or Books shall and may be seen and perused, at seasonable

Assignments to be entered in a Book.

nable Times, by any Person or Persons whomsoever, without Fee or Reward.

Assign-
ments may
be transfer-
red, and the
Manner of
doing so.

And it is also further enacted by the Authority aforefaid, That all and every Person and Persons to whom any Mortgage or Mortgages, Assignment or Assignments, shall be made by the faid Trustees, or any nine or more of them, as a Security for any Sum or Sums of Money, by any Person or Persons whatsoever lent and advanced on the Credit and for the Purposes mentioned in this Act, or who shall be intitled to the Money thereby secured, shall and may, from Time to Time, by proper Words of Assignment, to be indorsed on the Back of his, her, or their Assignment, or by any other Writing or Writings, under his, her, or their Hands and Seals, to be duly executed in the Prefence of two or more credible Witnesses, assign or transfer his, her, or their Right, Title, Interest, or Benefit, to the Principal and Interest Money thereby secured, or any Part thereof, to any Person or Persons whomsoever; which faid Transfer or Assignment shall be produced and notified to the faid Clerk or Clerks, Treasurer or Treasurers, within three Months after the Date thereof, who shall cause an Entry or Memorial to be made of such Assignment or Transfer, containing the Date, Parties, and Sum of Money therein mentioned to be transferred, in the faid Book, to be kept for entering the faid original Assignment, for which the Clerk or Clerks, Treasurer or Treasurers,

furers, shall be paid the Sum of two Shillings, Clerk's Fee.
 and no more; and after such Entry made,
 such Assignment shall intitle such Assignee,
 his, her, or their Executors, Administrators,
 and Assigns, to the Benefit thereof, and Pay-
 ment thereon; and such Assignee may in like
 Manner assign, and so *toties quoties*, and it Assign-
ments made
void.
 shall be in the Power of such Person or Per-
 sons who shall make such Assignment, to
 make void, release, and discharge the same,
 or any Monies thereby due, or any Part
 thereof.

Provided always, and be it further enacted All Wri-
tings to be
without
Stamps.
 by the Authority aforesaid, That no Nomina-
 tion, Appointment, Information, Order,
 Judgement, Conviction, Warrant, or other
 Writing whatsoever, under the Hand and
 Seal, or Hands and Seals of, or only signed
 by any Trustee or Trustees, for putting this
 Act in Execution, or any Justice or Justices
 of the Peace, or exhibited before them, or any
 of them, touching or concerning, or in Exe-
 cution of any Power or Authority hereby
 vested in such Trustees, or Justices of the
 Peace, or any of them, shall be charged or
 chargeable with any Stamp Duty whatsoever.

Provided always, and be it enacted Composi-
tion-money
how to be
recovered.
 by the Authority aforesaid, That in case any
 Composition-money agreed to be paid, in
 lieu of any Statute or Days' Work of the
 Inhabitants of any Parish, Township, or
 Hamlet, wherein the Roads to be amended by
 Virtue of this Act do lie, shall not be paid

within fifteen Days next after the same shall become payable, according to such Composition or Agreement, that then it shall and may be lawful for any Justice of the Peace within his respective Jurisdiction, by Warrant under his Hand and Seal (Oath being first made that the same has been demanded and remains unpaid; which Oath such Justice is hereby authorized to administer) to levy such Composition-money by Distress and Sale of the Goods of the Person or Persons so having compounded for or in respect of the Statute or Days Work, or of the Surveyors of the Highway for the Time being of such Parish, Township, or Hamlet, in respect of whose Statute or Days Work such Composition shall be made, paying such Composition-money to the Treasurer or Treasurers of the Turnpike for the Time being, and returning the Overplus, after the Charges of such Distress and Sale thereof first deducted (if demanded) to the Person on whose Goods such Distress was made.

Surveyors
paying the
Composition-money
how to be
reimbursed.

Provided always, and be it enacted by the Authority aforesaid, That if any of the Surveyors of the Highways of or for such Parish, Township, or Hamlet, for which any such Composition shall be made, for any Statute or Days Work as aforesaid, shall pay the Composition-money, or in case such Composition-money shall be levied on him in the Manner herein before provided, all and every such Surveyor and Surveyors shall and may be

be reimbursed the Composition-money he shall so pay, or which shall be so levied on him, together with the Charges of levying the same, in such Manner as by the Laws now in being Surveyors of the Highways of this Kingdom are to be reimbursed the Monies for amending the said Highways.

And be it further enacted by the Authority aforesaid, That all Penalties and Forfeitures by this Act imposed or incurred (touching which no other Provision is herein made) shall be recovered and levied by Distress and Sale of the Offender's Goods and Chattles, by Warrant or Warrants under the Hand and Seal of one or more Justice or Justices of the Peace for the County, Riding, Division, or Place, where the Offence shall be committed; which Warrant or Warrants the said Justice or Justices is and are hereby authorized, impowered, and required to issue, upon Information of one or more credible Witness or Witnesses, upon Oath (which Oath the said Justice or Justices is and are hereby impowered and required to administer without Fee or Reward, and thereupon to convict such Offender or Offenders) and the Penalties and Forfeitures, so recovered, shall go and be applied, and laid out, for and towards amending and repairing the Road wherein the said Penalties and Forfeitures shall be incurred; and the Overplus (if any be) shall, upon Demand, be returned to the Party or Parties whose Goods were so distrained and

Penalties
and Forfeitures
how
to be recovered
and
applied.

fold, the Charges of fuch Distrefs and Sale being firft deducted.

All Orders
and Pro-
ceedings to
be entered
in a Book,
&c.

Provided always, and be it further enacted by the Authority aforefaid, That all Orders and Proceedings of the Trustees fhall be entered in a Book or Books to be kept for that Purpose; and fuch Orders fo entered fhall be figned by the faid Trustees, or fo many of them as the Cafe fhall require; which faid Book or Books, and alfo the faid Book directed to be kept for registering the faid Affignments and Transfers, fhall and may be produced and read in Evidence in all Cafes of Appeals, Suits, or Actions, touching any thing done in purfuance and by Authority of this Act.

No Toll on
Election-
Days.

Provided always, and it is hereby further enacted by the Authority aforefaid, That during the Continuance of this Act, all Coaches, Berlins, Landaus, Chariots, Chaifes, Calafhes, Chairs, Litters, or other Carriages, and Paffengers on Horfeback, fhall pafs and repafs Toll-free on the Day or Days on which there fhall be an Election of Knights of the Shire to ferve in Parliament for the faid Counties of *Westmorland* and *York*, or for the County of *Lancaster*, and on the Day before and the Day after every fuch Election refpectively; fuch Coaches, Berlins, Landaus, Chariots, Chaifes, Calafhes, Chairs, Litters, or other Carriages, or Paffengers on Horfeback, going or returning from fuch refpective Elections; any thing herein contained to the contrary notwithstanding.

Provided

Provided always, and it is hereby declared and enacted by the Authority aforesaid, Tolls to be paid once a Day.

That no Person or Persons having Occasion to pass or repass through any Turnpike or Turnpikes where the said Tolls or Duties shall be taken with the same Coach, Berlin, Chariot, Landau, Calash, Chaise, Chair, Hearse, Litter, Waggon, Wain, Cart, or other Carriage, Horse, Gelding, Mare, Mule, Ass, or any Sort of Cattle, for which the said Tolls or Duties have been paid, shall be liable or compellable to pay the said Tolls or Duties more than once the same Day.

Provided always, and be it further enacted Persons aggrieved may appeal to the General Quarter Sessions. by the Authority aforesaid, That in case any Collector or Collectors, Receiver or Receivers, or other Person or Persons, shall think him or themselves aggrieved by any Penalties or Forfeitures incurred or imposed by Virtue of this Act, it shall and may be lawful to and for him, her, or them, to appeal to the Justices of the Peace, at their General Quarter Sessions of the Peace to be held for the County, Riding, Division, or Place where he, she, or they shall think him, her, or themselves aggrieved, next and immediately after such Person or Persons are aggrieved, (unless such Aggrievance shall happen within fourteen Days preceding such next Quarter Sessions, in which Case such Appeal shall be brought at the second Quarter Sessions then next after) who are hereby authorized and required to take Cognizance thereof, and to hear and de-

termine the Complaint or Complaints of any Person or Persons so aggrieved; and if they see Cause, shall and may, by Order of such Sessions, mitigate at their Discretion all or any of the Penalties or Forfeitures laid or incurred by the Party or Parties complaining, or vacate or set aside the Conviction or Convictions, and set the Parties at Liberty, or otherwise may ratify and confirm the same, with such Costs, as to them in their Discretion shall seem reasonable; and to levy by their Order or Warrant such Costs so awarded, by Distress and Sale of the Goods and Chattles of any Person or Persons who shall refuse to obey the same; and for want of sufficient Distress to commit the Party to the common Gaol of the County where the Appeal shall have been heard or determined, for any Time not exceeding three Months, or until Payment of such Costs; but the Person or Persons so appealing as aforesaid shall, and he, she, or they, is and are hereby directed to give Notice in Writing to the Treasurer or Treasurers for the Time being, of the Tolls and Duties granted by this Act, of such their Intention of bringing or prosecuting any Appeal, ten Days before the said Quarter Sessions; and shall, before such Notice given, enter in a Recognizance before one or more Justice or Justices of the Peace for the County where the Appeal shall be brought, with two sufficient Sureties, with a Condition to prosecute such Appeal.

Notice of
Appeal to
be given,

and Recog-
nizance to
be entered
into.

Pro:

Provided always, That nothing herein contained shall extend or be construed to extend to give any Power or Authority to the Trustees, appointed or to be appointed to put this Act in Execution, to divert or turn the Road leading from *Keighley* afore said to *Kirkby* in *Kendal* afore said, so as to lessen, or in any other Manner whatsoever to prejudice or affect the Receipt of the Tolls payable upon the Road leading from *Brumpton High Lane* in the County of *York*, to the Town of *Lancaster* in the County of *Lancaster*; or to empower the said Trustees to collect or receive any Tolls or Duties upon any Part of the said Road, leading from *Brumpton High Lane* to *Lancaster*; or to prejudice, evade, or affect the Payment of any Tolls or Duties belonging to the Corporation of *Lancaster*, for passing over a certain Bridge, situated on the said Road, commonly called *Cowen* otherwise *Coln Bridge*; or to prejudice, evade, or affect the Payment of the Tolls of Wool, or any other Tolls or Duties belonging to the Right Honourable *Sackville Tufton*, Earl of *Thanet*; and that the Road hereby directed to be repaired shall be carried over the said Bridge, and at no other Place.

The Road from *Keighley* to *Kirkby* in *Kendal*, not to be turned, so as to prejudice the Tolls on *Brumpton High Lane* Road, and other Roads, &c.

Provided always, and be it further enacted by the Authority afore said, That no Person shall be qualified or capable of acting as a Trustee in any Case in the Execution of this Act, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession

Qualification of the Trustees.

session and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, and Hereditaments, being Freehold, Leasehold, or Copyhold, of the clear yearly Value of One hundred Pounds above Reprizes, or possessed of and intituled to a Personal Estate alone, or a Real and Personal Estate together, to the Amount or Value of Three thousand Pounds more than sufficient to pay all his Debts: And if any Person or Persons not being qualified as aforesaid, shall nevertheless presume to act contrary to the true Intent and Meaning of this Act, every such Person, for such Offence, shall forfeit and pay the Sum of fifty Pounds, to any Person or Persons that will inform or sue for the same, to be recovered in any of his Majesty's Courts of Record, by Action of Debt, on the Case, Bill, Suit, or Information, wherein no Effoin, Protection, or Wager at Law, shall be allowed.

Penalty on
acting if not
qualified.

Provided always, and be it further enacted by the Authority aforesaid, That no Person (except he shall be Heir Apparent to some Person having an Estate of the yearly Value of Three hundred Pounds) shall be capable of acting as a Trustee in the Execution of this Act (save in the Administration of the following Oath) unless he shall first take and subscribe the Oath following, before any two or more of the said Trustees, which Oath any two or more of them are hereby authorized and required to administer; that is to say,

Trustees to
take the
Oath fol-
lowing be-
fore they
act.

I A. B.

I A. B. do swear, That I am truly and bona fide in my own Right, or in the Right of my Wife, in the actual Possession or Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, and Hereditaments, being Freehold, Leasehold, or Copyhold, of the clear yearly Value of One hundred Pounds above Reprizes; or possessed of, or intitled to, a Personal Estate alone, or a Real and Personal Estate together, to the Amount or Value of Three thousand Pounds, more than sufficient to pay all my Debts. The Oath.

Provided always, That nothing herein contained shall give any Power or Authority to the Trustees appointed or to be appointed to put this Act in Execution, to apply any Part of the Tolls or Duties hereby granted for or towards the amending, repairing, or widening, all or any Part of the Road leading from *Brumpton High Lane* in the County of *York*, through the several Townships of *Ingleton* and *Thornton*, in the said County of *York*, to the Town of *Lancaster* in the County of *Lancaster*. No Part of the Tolls to be applied in repairing *Brumpton High Lane* Road.

Provided always, and be it further enacted by the Authority aforesaid, That no Gate or Turnpike shall be set up or erected on any Part of the said Road, nearer to the Town of *Skipton* than a Place called *Crofs Hills*, in the Township of *Glusburn*, on the South East Side of *Skipton*, or nearer than a certain Bridge called *Holme Bridge*, on the North West Side of *Skipton* aforesaid. No Turnpike to be set up nearer to the Town of *Skipton* than *Crofs Hills* on the South, or *Holme Bridge* on the North;

Provided also, That no Gate or Turnpike shall be set up or erected nearer to the Town nor nearer the Town of *Settle* than *Long*

*Preston or
Clapham,
nor nearer
to Keighley
than Steeton.*

Town of *Settle*, in the said County of *York*, than the Town of *Long Preston* on the one Side, and the Town of *Clapham* on the other Side of *Settle* aforesaid, nor nearer to the said Town of *Keighley* than the Town of *Steeton*.

*After 25th
May, 1756,
Trustees
may set up
a Turnpike
on the
Road be-
tween Settle
and Clap-
ham, &c.*

Provided nevertheless, and be it further enacted, That the said Trustees, or any fifteen or more of them, shall and may, and they are hereby authorized and impowered, at any Meeting after the twenty-fifth Day of *May*, which shall be in the Year of our Lord One thousand seven hundred and fifty-six, to order and direct a Turnpike or Toll-gate and Toll-house to be erected, set up, and built, in any Part of the said Road, lying between *Settle* and *Clapham* aforesaid; Notice of such Meeting, and the Intention thereof, being fixed on all the Turnpike Gates, at least three Weeks before such Meeting shall be held.

*No Trust-
tees to ac-
cept of any
Place of
Profit aris-
ing from
the Tolls.*

Provided always, and be it further enacted That no Person or Persons whatsoever, who is, are, or shall be, or act as a Trustee or Trustees for putting this Act in Execution, shall have or accept of any Place of Profit arising out of it, or by reason of any Tolls or Duties by this Act laid or granted; but every such Person or Persons shall be incapable of acting as a Trustee or Trustees from the Time of accepting and during the Enjoyment of such Place of Profit as aforesaid.

*Victuallers,
Retailers of
Beer, and
menial Ser-
vants of
Trustees,
made inca-*

And be it further enacted by the Authority aforesaid, That no Victualler or Retailer of Ale, Beer, or Spirituous Liquors, or menial Servant to any of the Trustees appointed or

to be appointed to put this Act in Execution, shall be capable of holding any Office under the said Trustees. pable of holding any Office.

And be it further enacted by the Authority afore-Time and Place of Trustees Meeting. said, That the said Trustees, or any nine or more of them, shall meet at the Dwelling-house of *Robert Johnson* in *Settle*, in the said West Riding of the County of *York*, on Tuesday the 26th Day of June, One thousand seven hundred and fifty-three, and shall then and there, and at any other Meeting or Meetings, which shall be by them, or any five or more of them, afterwards held, adjourn themselves to and appoint any other Time or Times, Place or Places, in or near the said Roads hereby intended to be repaired, for any subsequent Meeting or Meetings, as they the said Trustees, or any five or more of them, at any of their Meetings, shall direct and appoint; and if at any Meeting or Meetings, Notice to be given of adjourned Meetings. so to be appointed as afore-10 Days Notice to be given of adjourned Meetings. said, there shall not appear a sufficient Number of Trustees for putting this Act in Execution, then and in such Case the Clerk or Clerks to the said Trustees, or any one of the Trustees who shall be then present, shall and may, and is and are hereby required, as often as the Case shall happen, by Notice in Writing under his or their Hands, to be fixed on the respective Turnpike Gates to be erected by Virtue of this Act, at least ten Days before the next Meeting, appoint the said Trustees to meet at the House where the said Meeting was so appointed to be held, or at some other convenient

venient House in the said Road, on that Day three Weeks on which such last Meeting of the said Trustees was appointed to be held; and that the said Trustees, at their first and all subsequent Meetings, shall defray their own Charges and Expences.

Trustees to
defray their
own Ex-
pences.

On Death,
or Refusal,
&c. of Tru-
stees, others
to be chosen

And, for continuing a sufficient Number of Trustees to put this Act in Execution, **it further enacted** by the Authority aforesaid, That when and as often as any Trustee or Trustees shall die, remove, or refuse to act, it shall and may be lawful for the surviving and remaining Trustees, or any nine or more of them, by any Writing or Writings under their Hands and Seals, during the Continuance of the Term hereby granted, from Time to Time, to elect, nominate, and appoint one or more fit Person or Persons, in the Room and Place of such Trustee or Trustees so dying, removing, or refusing to act; and such Person or Persons so elected, nominated, and appointed, shall have such and the same Authority to put in Execution all and every the Powers by this Act granted, as if the said Trustee or Trustees had been herein particularly named; and Notice of the Time and Place of Meeting for the Election of such new Trustee or Trustees, shall be given by the Clerk or Clerks for the Time being, who is or are hereby required to fix or cause to be fixed such Notice in Writing at or on the Turnpike or Turnpikes erected by Virtue of this Act, at least fourteen Days before the Meeting for such Election; and all and every such

14 Days
Notice to
be given of
Election of
new Tru-
stees.

such Person or Persons as shall be chosen and appointed, shall and may, and he or they are hereby authorized and impowered to act, to all Intents and Purposes, in as full, large, and ample Manner, as the said Trustees are by this Act authorized and impowered to act and do.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any seven or more of them, shall cause the said Roads to be measured, and such Stones or Posts to be erected thereon, or in or near the Sides thereof, at the Distance of one Mile each from the other, in order to mark and denote the Distance of any Town or Place, to any other Town or Place on the said Road, as to the said Trustees shall seem meet.

Provided always, and be it further enacted by the Authority aforesaid, That no Action or Suit shall be commenced against any Person or Persons for any Thing to be done in pursuance of this Act, until twenty-eight Days Notice shall be thereof given to the Clerk or Clerks, appointed as by this Act is directed, nor after a sufficient Satisfaction hath been made to the Party or Parties aggrieved, or a Tender thereof; and if any such Action or Suit shall be commenced against any Person or Persons for any thing to be done in pursuance of this Act, every such Action or Suit shall be brought within six Months next after the Fact committed, and not afterwards; and shall be laid and brought in such of the Counties where the Offence shall be committed,

Roads to
be measur-
ed, and
Mile-stones
erected.

Limitation
of Actions.

General
Issue.

ted, and not elfewhere; and the Defendant and Defendants, in fuch Aétion or Suit to be brought, fhall and may plead the General Issue, Not Guilty, and give this Aét and the fpecial Matter in Evidence, at any Trial to be had thereupon; and that the fame was done in purfuance, and by the Authority of this Aét; and if the fame fhall appear fo to be done, or that fuch Aétion or Suit fhall be brought before twenty-eight Days Notice fhall be thereof given as aforefaid, or after a fufficient Satisfaction fhall be made to the Party or Parties aggrieved, or a Tender thereof, or after the Time before limited for bringing the fame as aforefaid, or fhall be brought in any other County, Place or Places, that then the Jury fhall find for the Defendant or Defendants; and upon fuch Verdict, or if the Plaintiff or Plaintiffs fhall be nonfuit, or difcontinue his or their Aétion, after the Defendant or Defendants fhall have appeared; or if, upon Demurrer, Judgement fhall be given againft the Plaintiff or Plaintiffs; then the Defendant or Defendants fhall and may recover Treble Cofts, and have fuch Remedy for the fame, as any Defendant or Defendants hath or have in any Cafe by Law.

Treble
Cofts.

Public Aét.

And be it further enacted by the Authority aforefaid, That this Aét fhall be deemed, adjudged, and taken to be a public Aét, and be judicially taken Notice of as fuch, by all Judges, Juftices, and other Persons whatfoever, without fpecially pleading the fame.

F I N I S.

